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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/036,450

01/07/2002

Paul J. Donley

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4923

7590

03/29/2004

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EXAMINER

EVANS, ROBIN OCTAVIA

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 03/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,450

Applicant(s)

DONLEY ET AL.

Examiner

Robin O. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6, 11 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller et al. (4,995,333).

Keller et al. shows a hot melt adhesive dispensing system having a dispensing nozzle 50, discharge port 65, end cap 78 having a substantially disk-shaped member, front face 79, mounting means in the form of threads and aperture 69. Note figure 4 and figure 6, which show the nozzle tip recessed from the front face of the end cap. Note that Keller et al. discloses that the nozzle components are made out of high strength temperature resistant plastic (column 7, lines 25-27).

3. Claims 1, 3, 5, 6, 8, 10, 11, 13, 15, 16, 18, 20, 22, 24, 25 and 27 are rejected under 35 U.S.C. 102(e) as anticipated by Meyer.

Meyers shows a hot melt dispensing nozzle 30 having a discharge port 34 and means for mounting the nozzle to an implement as shown in figure 1, an end cap 15 having a substantially disk-shaped member, front face 22, securing means in the form of threads 17', aperture 19' and air fitting ring 25. Note figure 2 and figure 3 which show the nozzle recessed from the front face

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of the end cap. Meyers also discloses in column 6, lines 15-20 that the nozzle member can be made from any suitable plastic for example in an injection process. Therefore it is deemed that since the suitable plastic is made by an injection process that it must inherently be a thermoplastic material.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 7, 12, 17, 19, 21, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer in view of the combined teaching of Hartle et al. and Feistel.

Meyer shows all of the limitations recited in the claims but does not disclose the plastic material as being polyetheretherketone. Hartle et al. teaches making an air cap out of polyetheretherketone, see column 12, lines 66-67. Feistel teaches that polyetheretherketone is a high temperature-resistant and wear resistant polymer, see column 1, lines 62-67. Therefore it would have been obvious to have made the suitable plastic end cap of Meyer's device out of polyetheretherketone so as to have a air cap that is wear resistant and that will be able to withstand the high temperatures of the dispensing material passing therethrough as suggested by the combined teachings of Hartle et al. and Feistel.

As to claims 19 and 28 and the limitation that the mounting means between the dispensing nozzle member and the dispensing implement are disposed substantially

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perpendicular with respect to each other, it is deemed that the mounting means would be oriented in a way chosen by the user depending on the type of implement being used for the application.

6. Claims 4, 9, 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer in view of Ruta et al.

Meyer shows all of the claimed limitations but does not disclose an external peripheral surface of the disk-shaped member being knurled. Ruta et al. shows another dispensing another dispensing nozzle having an air cap 106 with an external peripheral surface 154 knurled. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made an external surface of Meyer's end cap knurled so as to help provide a good grip during assembly and disassembly of the apparatus as suggested by Ruta et al. in column 16, lines 5-7.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crist, Roberts et al., McIntyre, and Saidman et al. all show devices in the general state of the art of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin O. Evans whose telephone number is (703) 305-5766. The examiner can normally be reached on Monday-Thursday, 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Robin O. Evans
Primary Examiner
Art Unit 3752
3/19/04

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